IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Alan R. Reinberg et al.

Prior Application Serial No.: 09/740,256

Prior Application Filed:

December 19, 2000

Serial No.:

10/872,765

Filed: June 21, 2004

For:

SMALL ELECTRODE FOR A

CHALCOGENIDE SWITCHING DEVICE AND METHOD FOR

FABRICATING SAME

Group Art Unit:

Unassigned

Examiner:

Unassigned

Atty Docket: MCRO:106--3/FLE

95-0412.03

Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 CERTIFICATE OF MAILING 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.

December 6, 2004

Date

Michael G. Fletcher

Sir:

RESPONSE TO THE NOTICE TO FILE MISSING PARTS

In Response to the Notice to File Missing Parts of Application mailed on August 4, 2004, please find enclosed the following papers: (1) a copy of the Notice to File Missing Parts of Application; (2) a Preliminary Amendment, and (3) PTO-2038.

Accordingly, the Commissioner is hereby authorized to charge Deposit Account No. 13-3092; Order No. MCRO:106--3/FLE(95-0412.03) for the \$970.00 filing fee due, based on the claims as currently amended in the Preliminary Amendment filed herewith, as well as the \$130.00 surcharge for the late filing fee.

Respectfully submitted,

Date: December 6, 2004

Michael G. Fletcher Reg. No. 32,777 FLETCHER YODER

P.O. Box 692289 Houston, Texas 77269-2289

(281) 970-4545



PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Dox 1450 Alexandra, Virginia 22313-1450 www.uspio.gov

APPLICATION NUMBER

Michael G. Fletcher

FLETCHER YODER

Houston, TX 77269-2289

P.O. Box 692289

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/872,765

06/21/2004

Alan R. Reinberg

MCRO:106-3/95-0412.02

CONFIRMATION NO. 3597

FORMALITIES LETTER

OC00000013438787

Date Mailed: 08/04/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$900 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

Replies should be mailed to:

Mail Stop Missing Parts

Commissioner for Patents

12/16/2004 KBETEMA1 00000049 133092

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P.O. Box 1450

01 FC:1001

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02 FC:1051

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